

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

APRIL 5, 2010

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present:

Chairman Harold Sanger
Steve Lichtenfeld, Aldermanic Representative
Craig S. Owens, City Manager
Jim Liberman
Marc Lopata
Scott Wilson
Ron Reim

Absent:

None

Also Present:

Jason Jaggi, Acting Director of Planning & Development Services
Kevin O'Keefe, City Attorney

Chairman Sanger welcomed everyone to the meeting. He asked that all cell phone ringers be turned off or muted and that conversations take place outside the room so as not to disrupt the meeting.

MINUTES

The minutes of the March 15, 2010 meeting were presented for approval. The minutes were approved, after having been previously distributed to each member.

SITE PLAN REVIEW/ARCHITECTURAL REVIEW BOARD – NEW CONSTRUCTION – ADDITION TO SINGLE FAMILY RESIDENCE – 39 W. BRENTMOOR PARK

Paul Fendler, project architect, was in attendance at the meeting.

Jason Jaggi explained that the proposed project consists of a three-story, 3,002 square foot addition to a brick single-family residence with a detached garage and a rear yard pool house. The site measures approximately 60,635 square feet and is located in the Brentmoor Subdivision. With

the proposed addition, the primary residence will measure 11,432 square feet with a height of approximately 27 feet as determined from the average existing grade to the midpoint of the roof. An existing tennis court will be removed and a swimming pool, pool house and detached garage will be added. The existing site contains 31.2% impervious area. The new plans show impervious coverage at 26.5% of the site with the removal of the existing tennis court. The existing storm water runoff is 3.15 cubic feet per second. Storm water runoff on the proposed site plan will decrease to 3.05 cubic feet per second (a difference of 0.10 CFS). Storm water from the downspouts on the proposed addition and pool house will be piped to an existing storm sewer. Roof drains on the proposed garage will be piped to a side yard pop-up emitter. Plan notes indicate that no significant changes in the existing drainage patterns are proposed and that proposed improvements will not create any significant additional post-construction runoff to adjacent properties. Trash will be stored in an enclosure on the north side of the proposed detached garage and screened by a wood fence. The applicant is proposing to use a geothermal HVAC system which will not require exterior mechanical equipment. Five deciduous trees totaling 100 caliper inches and two evergreen trees are to be removed and require replacement. Included in these removals is a 40 caliper inch Red Oak tree. The City's contracted Landscape Architect has inspected the tree and determined that although the tree is currently in fair condition and requires caliper inch replacement, the tree's lifespan is limited because of ongoing trunk decay and removal is suggested. Four remaining trees totaling 25 caliper inches will be impacted and will require protection. The landscape plan provides a replacement of 101 caliper inches. Six large deciduous trees, twenty-two deciduous ornamental trees and sixteen evergreen trees are proposed as replacements. The proposed development represents a decrease in impervious coverage and storm water runoff. Tree protection is a concern, and the City's contracted Landscape Architect should perform an inspection of the tree protection fencing prior to construction activity on the site. Although several large trees are to be removed as a result of construction of this project, they are proposed to be replaced with numerous trees of desirable species. Jason indicated that staff's recommendation is to approve with the condition that the City's landscape architect perform a site inspection prior to commencement of construction to ensure proper tree protection is installed.

Mr. Fendler reiterated that they are actually decreasing impervious coverage with this project due to the removal of the tennis court. He stated they are adding quite a bit of landscaping and that their private landscape architect has also suggested removing the 40" tree. He advised the members that the Trustees have approved the project and that the property owner to the east has not only approved the project, but is very happy about it.

Chairman Sanger asked if there were any questions or comments from the Commission members and/or the audience.

None were received.

Steve Lichtenfeld made a motion to approve per staff recommendation. The motion was seconded by Scott Wilson and unanimously approved by the members.

The architectural aspects of the project were now up for review.

Jason Jaggi explained that this is consideration of a request by Paul Fendler, architect on behalf of Joel and Jane Hylen, owners, for review of the design and materials associated with the construction of an addition to a three-story single family residence, a pool house and a detached three-car garage in the rear yard. The existing home is a brick, 8,430 square foot three-story structure located in the Brentmoor Subdivision. With the proposed 3,002 square foot addition, the residence will measure 11,432 square feet. A one-story pool house measuring approximately 600 square feet is also proposed to be built in the rear yard, and a three car detached garage is proposed in the side yard. An existing tennis court will be removed, and a pool will be added. The height of the residence with the proposed addition will be approximately 27 feet as measured from the average existing grade to the midpoint of the proposed roof. The height of the proposed pool house will be 19' 4" as measured from the lowest existing point between the building and lot line to the midpoint of the proposed roof. The proposed addition will be red brick to match the existing residence. The roof will be grey/green slate. The garage and pool house will also be constructed of brick with grey/green slate roofs and a roof pitch to match the architectural details of the residence. Wood clad casement windows and transoms will be white in color to match the existing. The detached three car garage to the east will have brown wooden carriage style doors. An attached, at grade, side entry one car garage will be added to the north end of the proposed addition. Trash will be enclosed on the north side of the detached garage and screened by a wood fence. The applicant proposes to install a geothermal heating and cooling system. Therefore, exterior HVAC units are not indicated on the plans. Staff believes that this addition contains many of the details of the existing building and will match well. The addition to the residence and accessory structures meet the "R-1" Large Lot Single Family Zoning Regulations for height, setbacks, and impervious coverage. Trustee approval has been submitted and staff recommends approval as submitted.

Mr. Fendler distributed sketches/color renderings of the structure. He stated that the new construction will match details and the architecture of the existing structure. He stated that they are removing a fair amount of brick that will be blended in with the new brick.

Samples of the slate roof (gray/green to match existing), Marvin wood window, brick and limestone were presented.

Chairman Sanger asked about the second unit issue.

Jason Jaggi explained to the members that once staff received a floor plan of the pool house, it was determined that it did not have all the components to make it conducive for a second living unit.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve as submitted. The motion was seconded by Scott Wilson and unanimously approved by the Board.

BOUNDARY ADJUSTMENT PLAT – 7630 & 7636-42 FORSYTH BLVD.

Mr. Jeff Gershman, Attorney representing TNG, LP (owner) was in attendance at the meeting.

Jason Jaggi explained that this request is for consideration of a Boundary Adjustment Plat in association with a new surface parking lot on the former Shady Oak Theater site. The Plan Commission approved a site plan for a new surface parking lot on September 21, 2009, with a condition that the applicant submit a boundary adjustment plat adding 5-feet of width to the property at 7630 Forsyth so that the parking lot can be located entirely on its own lot. The former Shady Oak Theater was located on Lot 3, Block 2 of Hanley's Re-Subdivision. This lot measures 50' x 150', or 7,500 square feet. The approved surface parking lot encroaches five-feet onto the adjoining lot to the west, platted as Lot 2, Block 2 of Hanley's Re-Subdivision. This lot also measures 50' x 150', or 7,500 square feet. The submitted Boundary Adjustment Plat shows 5-feet of width added to Lot 3 (7630 Forsyth). The Adjusted Lot 3 will increase in width and measure 55' x 150' for total of 8,250 square feet. Adjusted Lot 2 to the west will be reduced in width to 45' x 150' and will contain 6,750 square feet. As a result of this plat, the new surface parking lot at 7630 Forsyth will be located entirely on its own lot in conformance with the Plan Commission condition of approval. A boundary adjustment plat adding 5-feet of width to the property located at 7630 Forsyth was a condition of approval for the new surface parking lot on the former Shady Oak site and the submitted plat satisfies this requirement. Therefore, staff recommends approval with the following conditions:

1. That the applicant provide a Mylar for the appropriate City of Clayton signatures.
2. That the applicant file the plat with the St. Louis County Recorder of Deeds office and submit proof of filing to the City within 30 days of Plan Commission approval.
3. That all other conditions of the September 21, 2009 Plan Commission approval remain in effect.

Mr. Gershman explained that they are taking 5 feet from the adjoining lot, which is under the same ownership, so that the new parking lot is entirely on one lot. He stated that they have been working on this project for a long time and are excited to be close to its finish. He indicated that they have selected a contractor and hope that the weather cooperates so they can move forward. He stated that they have a new tenant, the license bureau, which is moving from their current N. Central location.

Mr. Gershman mentioned one of the conditions of approval of the site plan for the parking lot (that an easement agreement be approved by the City for public use of the sidewalk area fronting Forsyth Blvd.). He stated that a draft easement has been prepared, but the issue that was not previously addressed of how long the easement should last, is in disagreement. He stated that the easement should run with the use and not be permanent. He stated that the area is and has always been a sidewalk and will most likely continue to be a sidewalk, but to restrict with a permanent easement is not, in his opinion, a good idea. He stated that he does not believe this is the time to create a patchwork easement.

Chairman Sanger referred Mr. Gershman's concern to Kevin O'Keefe.

Kevin O'Keefe indicated that the previous condition Jeff is referring to has no bearing on the Plat being presented for approval today, but there is a disagreement with how the condition was

construed. He stated that it is staff's view that the easement be permanent and the applicant wants the easement to be temporary and run with the use (parking lot).

Chairman Sanger asked if the approved lot (approved in September, 2009) included the incorporation of streetscape.

Jason Jaggi replied "yes". He stated that this would continue the streetscape toward the west.

Chairman Sanger asked if this easement dispute needs to be resolved before construction permits are issued.

Kevin O'Keefe replied "yes". He asked the members for clarification of the intent of the condition of approval on September 9th regarding the easement.

Mr. Gershman reiterated their concern with a permanent easement. He stated that buyers price per square foot would exclude this area (sidewalk). He stated that he does not know what future development will bring.

Kevin O'Keefe informed the members that the total area would be less than 17 feet (5 feet being added to the less than 12 feet already dedicated). He stated that the original intent was to have the 5' area dedicated to the City which was revised to require an easement.

Marc Lopata stated that it is his opinion that the easement run with the use.

Kevin O'Keefe indicated that the easement is being required so the City can install streetscape and provide the public right of access.

Mr. Gershman stated that he hopes the members understand the issue.

Chairman Sanger commented that he understands the owner's desire to get the most money out of property, but he does not believe that would be hampered by a permanent easement.

Chairman Sanger and Jeff Gershman agree that they cannot envision the 5' area's use other than a sidewalk.

Chairman Sanger asked who would have control over the area...the City or the owner. He stated that he believes control should be in the City's hands and that it should be a permanent easement as the City is requesting. He stated that the City could, later, abandon the easement if desired.

Mr. Gershman commented that the City already has control under the terms of a Planned Unit Development (PUD). He noted that this lot was approved prior to the establishment of the Transit Oriented Development (TOD) District regulations.

Chairman Sanger asked what the conditions of the previous approval are.

Kevin O’Keefe informed Chairman Sanger that the City asked for a dedication which the owner declined to provide, so initiation of an easement was a compromise; however, there was no discussion ever that the easement would be temporary and staff’s expectation is that it be permanent.

Scott Wilson commented that he assumes that the developer believed it to be temporary; otherwise they would have asked for concessions.

Chairman Sanger asked what this Commission needs to do.

Kevin O’Keefe informed the members that staff is not comfortable signing the easement agreement as it is currently written. He noted that the City is not required to make their sidewalks ADA accessible; however, when work is done, then they have to meet ADA requirements.

Chairman Sanger asked for each member’s opinion whether the easement should be permanent (as the City requests) or temporary (as the applicant requests).

Chairman Sanger, Steve Lichtenfeld, Jim Liberman and Craig Owens all indicated their desire that the easement be permanent.

Marc Lopata, Scott Wilson and Ron Reim all indicated their desire that the easement be temporary.

Jeff Gershman advised the members that they are not prepared to proceed on this basis and that development of the entire block could be hampered because of this. He stated that he respectfully disagrees with the assumption that this issue was not addressed.

Chairman Sanger stated that the Commission will now vote on the Boundary Adjustment Plat before them. He asked Kevin O’Keefe to try and resolve the easement matter.

Being no questions or comments regarding the proposed boundary adjustment plat, Steve Lichtenfeld made a motion to approve per staff recommendation. The motion was seconded by Scott Wilson and unanimously approved by the members.

ARCHITECTURAL REVIEW - REVISION TO PREVIOUSLY APPROVED PLANS – ADDITION TO SINGLE FAMILY RESIDENCE - 8104 PERSHING

Lauren Strutman, project architect, was in attendance at the meeting. She introduced the owners, Mark & Cheryl Redohl, who were also in attendance, to the members.

Jason Jaggi explained that on September 9, 2009, the Architectural Review Board approved a 1,529 square foot two-story rear addition to this single-family residence as well as changes to the front of the house involving the dormers and front porch. The addition included a new two-car below-grade attached garage which allowed the removal of the existing detached garage. The applicant is requesting an amendment to these approved plans which changes the overall scope of

the project by reducing the size of the rear addition and leaving the detached garage in place. While the scope of the project has been reduced, the design of the addition has changed enough to require Architectural Review Board approval. The existing home is a brick two-story structure measuring 2,487 square feet. The proposed two-story addition measures 799 square feet. The addition is brick to match the existing residence. New fiber-cement board and batten siding will cover less than 25% of the total elevation on each façade. The windows are proposed to be a mixture of casement and double-hung, white in color. The height of the addition will be 26 feet from grade to the ridge of the addition roof. The proposed roofing material will be shingles to match existing. The front elevation remains unchanged from the previously approved plans. The two existing dormers will be removed and replaced with a single, larger dormer centered on the roof. The dormer will be faced with fiber-cement board siding. The covered front porch will also be re-constructed. The plans show the location of the trash enclosure; however, no details are provided. Similarly, the AC units are shown; but the screening of the units has not been provided. The detached garage will remain. The materials of the addition remain the same as previously approved. The major visual differences are that the second story portion of the addition has increased in length, the eastern elevation contains a more prominent blank brick façade on the first floor, and two small decks are shown on the first and second floor of the rear addition. The detached garage, previously specified as to be removed will now remain. Overall, staff believes that the changes are in keeping with the original design of the rear addition and recommends approval with the following conditions:

1. Indicate the trash enclosure details on the plan per staff approval.
2. Indicate screening material of AC units on the plan per staff approval.

Ms. Strutman informed the members that the street view has not changed. She stated that the attached garage has been eliminated (the existing detached garage will remain) and the size of the addition has been reduced.

Samples of the proposed materials were presented (brick, roof, window). Ms. Strutman indicated that the materials have not changed from the previous approval.

Marc Lopata asked if the impervious coverage is the same as before.

Ms. Strutman indicated that it is up about 1% due to retention of the detached garage. She stated coverage is about 52.3%.

Steve Lichtenfeld asked if the owner to the east has seen and approved this plan.

Ms. Strutman replied “yes”.

Jim Liberman asked about the rear elevation.

Ms. Strutman stated that it meets code for use of accent materials.

Jim Liberman commented that it looks more suburban than he is used to for Clayton.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve per staff recommendations. The motion was seconded by Scott Wilson and unanimously approved by the Board.

Jason Jaggi mentioned that the rooftop antenna installation proposal that was on this evening's agenda for 7733 Forsyth has been postponed.

CITY BUSINESS – DISCUSSION OF REVISED REGULATIONS FOR RESIDENTIAL PROJECTS (IMPERVIOUS COVERAGE AND STORM WATER MITIGATION)

Jason Jaggi asked Chairman Sanger if he would like him to read staff's memo aloud.

Chairman Sanger asked if the other members had a chance to review the memo.

The members indicated they had reviewed it, so Chairman Sanger informed Jason that it would not be necessary to read it.

Jason stated that staff has prepared revised language regarding storm water run-off based on the request the last time this issue was discussed, as follows

CHAPTER 405 ZONING REGULATIONS

ARTICLE VIII. SITE PLAN REVIEW, SECTION 405.1030 SPECIFIC REQUIREMENTS

EXISTING LANGUAGE

- C. *Storm Water Drainage. Provisions for storm surface drainage shall be in accordance with the design standards of the Public Works Department indicating location, size, types and grades of sewers, drainage structures, ditches and connection to existing drainage system. Storm water drainage shall be connected to a storm sewer whenever one is available as determined by the City. Disposal of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way and in keeping with the above standards. The site plan must reflect compliance with this requirement.*

The following language changes clarify the desire to not have increased run-off to adjacent properties, introduce new requirements for storm water Best Management Practices (BMP) for new one and two-family construction, and for residential additions, requires BMP's for projects that would increase run-off of 0.05 cubic feet per second (CFS) or greater.

PROPOSED LANGUAGE

- C. *Storm Water Drainage. Provisions for storm surface drainage shall be in accordance with the design standards of the Public Works Department indicating location, size, types and grades of sewers, drainage structures, ditches and connection to existing drainage system. Storm water drainage shall be connected to a storm sewer whenever one is available as determined by the City. Disposal of storm or natural waters both on and off the site shall be provided in such a*

manner as not to increase the amount of post-construction run-off to adjacent properties or have detrimental effect to the public right-of-way.

The site plan shall contain a pre-construction and post-construction run-off differential calculation prepared under the seal of a registered professional engineer in the State of Missouri. For new residential one and two-family buildings, any site plan depicting an increase in run-off as a result of the proposed construction shall be mitigated utilizing storm water Best Management Practices (BMP) as recognized by the Metropolitan St. Louis Sewer District (MSD) or as approved by the Plan Commission.

For existing one and two-family residential buildings where construction activities are proposed which require approval of a site plan in accordance with Section 405.1000 of these regulations, any site plan depicting an increase in storm water run-off of 0.05 cubic feet per second (CFS) or greater shall be mitigated utilizing storm water Best Management Practices (BMP) as recognized by the Metropolitan St. Louis Sewer District (MSD) or as approved by the Plan Commission.

The site plan must reflect compliance with these requirements.

Marc Lopata asked that language be added to clarify a specific rainfall event.

Chairman Sanger asked where this goes from here.

Jason Jaggi indicated that if the Plan Commission approves as presented, the language/revisions be presented to developers and residents for their input at two separate sessions (a developer luncheon and presentation to the public at a regular Plan Commission evening meeting).

Scott Wilson asked if staff expects much feedback.

Jason Jaggi replied “yes”. He stated that although a drastic reduction in allowable coverage is not being proposed (only a 5% reduction is proposed), it will generate interest.

Scott Wilson asked if this will hinder development.

Jason Jaggi stated he believes it could hinder construction of additions to existing structures.

Chairman Sanger commented that developers will look at this as a take-away, but that now may be a good time with land prices depressed.

Scott Wilson asked about other cities regulations.

Jason Jaggi indicated that Clayton is the most strict, as many communities don't have coverage limitations.

Ron Reim commented that most believe Clayton is the most urban of the suburban areas.

Marc Lopata asked if an existing site contains 52% coverage now and they want to construct an addition (and keep the same amount of coverage), would they have to reduce coverage to 50% coverage or could they keep coverage the same as existing.

Jason Jaggi indicated that a situation like that would need to be clarified in the language and that all properties that exceed 50% coverage would be grandfathered in if no changes are proposed.

Marc Lopata suggested if coverage is over 50%, not to allow additional run-off.

Jason Jaggi noted that would be applicable to only projects requiring site plan review.

Marc Lopata asked for clarification that even those not requiring site plan review, would still have to comply.

Jason Jaggi agreed.

Chairman Sanger asked when these revisions can be presented to developers.

Jason Jaggi indicated that he will try to set up a meeting later this month.

Jason Jaggi informed the members that there are three documents on the City's web-site regarding Sasaki's update of the City's Master Plan and that he anticipates a presentation will be made to this Commission in May with adoption hopefully in June.

Ron Reim commented that BMPs are not permanent and that MSD is proposing re-inspections and if the BMP is not properly working, the property owner gets charged.

Marc Lopata asked about the tree ordinance.

Jason Jaggi indicated that it will be presented soon.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 6:40 p.m.

Recording Secretary